

# COUNCIL MINUTES

June 17, 1999

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on June 17, 1999 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Keno Hawker  
Bill Jaffa  
Dennis Kavanaugh

## COUNCIL ABSENT

Pat Pomeroy

## STAFF PRESENT

C.K. Luster  
Kevin Adam  
Vince Anderson  
Don Ayers  
Wayne Balmer  
Neal Beets  
Jamie Brennen  
Dennis Compton  
Linda Crocker  
Luigi Digirolamo  
Jerry Dillehay  
Jack Friedline  
Penny Griffin  
Joe Holmwood  
Barbara Jones  
Mike Kalember  
Karen Kille  
Wayne Korinek  
Ron Krosting  
Tom Mattingly  
Tracy Mead  
Frank Mizner  
Keith Nath  
Gil Otanez  
Joe Padilla  
Terri Palmberg

## STAFF PRESENT (CONT.)

Ellen Pence  
Bill Petrie  
Ron Poulin  
Bryan Raines  
Andrea Rasizer  
Andrew Reinhardt  
Tom Remes  
Becky Richardson  
Regan Robbins  
Jenny Sheppard  
Helen Simmonds  
John Smoyer  
Doug Tessorf  
Lois Underdah  
Kim West  
Mindy White  
Jim Wright  
Others

## OTHERS PRESENT

Gerard Hughes  
Barrett Marson  
Robbie Sherwood  
Others

(Items were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

Mayor Brown excused Councilmember Pomeroy from the meeting and Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:32 a.m.

### 1. Review items on the agenda for the June 21, 1999 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following agenda items:

4. Consider the following contracts:
  - \*h. Residential Street Lighting Project
  - \*i. 1998-99 Arterial Street Lighting

Councilmember Davidson requested that these items be removed from the consent agenda and stated the opinion that citizens will be interested in the fact that the City is expending a significant amount of funds for lighting purposes.

Mayor Brown said that these items will be removed from the consent agenda.

5. Introduction of the following ordinances and setting July 6, 1999 as the date for the public hearing on these ordinances:
  - \*b. Amending Section 11-17-6 of the Mesa City Code regarding the parking of recreational vehicles on lots not within a recreational vehicle park or subdivision.

In response to a question from Councilmember Hawker, Building Inspections Superintendent Tom Mattingly advised that the proposed Housing Code ordinances does not contain any reference to this issue.

6. Consider the following resolutions:
  - \*i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for the East Valley Dial-A-Ride service.

Mayor Brown commented on the fact that the agreement is for an extended period of time and said that based on the fact that citizens had expressed significant complaints regarding the operations of the previous Dial-A-Ride Service, this item should be removed from the consent to allow brief comments to be made.

2. Further discussion and consideration concerning a Finance Committee recommendation regarding a revised fee schedule for the Mesa Industrial Development Authority (IDA).

Finance Director Don Ayers introduced Industrial Development Authority (IDA) Boardmember Gerard Hughes to the Council.

Mr. Hughes addressed the Council regarding this issue and noted that IDA's fees have remained the same since 1980 (\$3,000). Mr. Hughes recommended that the IDA Board be authorized to charge an on-going fee of 1/10 of 1 percent on the outstanding bonds and explained that the fees are used to cover processing costs, attorney fees and financial advisor expenses. Mr. Hughes added that all excess funds could be allocated to the City for redevelopment purposes.

Mayor Brown stated that although he concurs that a revised fee structure is appropriate, in his opinion all excess funds should be placed in the General Fund for future allocations.

In response to a question from Mayor Brown, City Attorney Neal Beets stated the opinion that it would not be appropriate for the IDA Board to charge an up-front lump sum fee or any on-going fee for the life of IDA authorized bonds simply for facilitating access to the IDA bond market. Mr. Beets added that the IDA Board may charge fees to cover the direct and indirect costs of the operation. Mr. Beets also informed the Council that his opinion is not shared by the Arizona IDA Bond Counsel who believes that on-going fees are lawful.

Councilmember Hawker commented that he concurs with Mr. Beets' opinion and suggested that the IDA Board research other funding sources. Councilmember Hawker recommended that the amount of the fees charged by the IDA Board remain an amount necessary to cover the costs of providing services. Councilmember Hawker added that he would support a minor increase in the current fee to cover increased expenses.

Vice Mayor Giles recommended that the application fee be increased to \$1,000 to reflect a more accurate amount of staff time involved in the process. Vice Mayor Giles added that attorney and financial advisor fees should also be charged. Vice Mayor Giles advised that he would not support the implementation of an on-going assessment.

Councilmember Davidson clarified that the IDA Board fees will be increased to cover the actual cost of legal and financial advice.

It was moved by Vice Mayor Giles, seconded by Councilmember Hawker, that the amount of the IDA fee structure be increased to cover the actual costs of obtaining legal and financial advice.

Upon a tabulation of votes, it showed:

AYES -	Brown-Davidson-Giles-Hawker-Jaffa-Kavanaugh
NAYS -	None
ABSENT -	Pomeroy

Mayor Brown declared the motion carried unanimously by those present.

3. Further discussion and consideration concerning the development of canal bank multi-use paths.

Transportation Director Ron Krosting and City Engineer Keith Nath addressed the Council and presented an overview on the development of canal bank multi-use paths.

Discussion ensued relative to funding generated by canal bank improvements, proposed project phasing, federal funding, the fact that the improvement program will last approximately three years and staff's intention to proceed with Part 1, Phase 1, based on Council approval.

Vice Mayor Giles noted his on-going interest in this project and commended staff on their efforts. Vice Mayor Giles expressed concerns relative to pedestrian traffic and major intersections and encouraged staff to pursue the feasibility of utilizing the consolidated canal on the northern boundary of the City. Vice Mayor Giles stressed the importance of avoiding intersecting streets wherever possible.

Discussion ensued relative to potential traffic safety hazards, the proposed development of medians, the Gilbert Road exchange, on-going efforts to work with the Arizona Department of Transportation (ADOT) and Salt River Project (SRP), the development of an equestrian trail, and the proposed development of a pedestrian underpass on Gilbert Road.

Councilmember Hawker encouraged the Council to consider the development of the alternate northern consolidated route prior to committing to complete Section B, Phases 2 and 3.

Councilmember Hawker stated that he is a proponent of pursuing the development of a bike route along the Salt River all the way out to Rio Salado. Councilmember Hawker commented that prior to committing funds for the entire project, staff should pursue the possibility and costs involved in developing the alternate paths and parks.

Mayor Brown said the City of Mesa receives federal funding for bicycle path usage and stated the opinion that the use of those funds to develop other projects, such as parks, would be an inappropriate use of funds.

Councilmember Kavanaugh commented on the extensive citizen participation that occurred on the development of a bicycle plan. Councilmember Kavanaugh stated that he supports Phase 1 through Phase 3 recommendations from staff and said that the proposals will serve the most densely populated parts of the City, connect with other bike paths, and provide added transportation. Councilmember Kavanaugh added that he agrees that an on-going commitment to develop other canals for recreational purposes is necessary.

Councilmember Jaffa commented that he concurs that the current project should go forward and added that he also supports Councils' comments relative to this issue. Councilmember Jaffa stated the opinion that staff should pursue the development of all of the canal systems in Mesa. Councilmember Jaffa indicated his interest in connecting Mesa's bike paths with those of other cities and recommended that additional funding be added to future budgets to cover the costs involved in such an undertaking.

Vice Mayor Giles informed the Council that he would be opposed to using the quality-of-life sales tax dollars or any other City dollars to develop the canal banks in areas that are not as desirable as the potential of locating them on the northern part of the City, where an exceptional recreational opportunity exists.

Councilmember Davidson stated that he agreed with Vice Mayor Giles' remarks.

Councilmember Kavanaugh stated that for discussion purposes he was prepared to make a motion to approve Phase 1 for development of the multi-use paths on the Crosscut Consolidated Canal.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that staff's recommendation to proceed with Phase 1 of canal bank multi-use paths be approved.

Upon a tabulation of votes, it showed:

AYES -	Brown-Davidson-Kavanaugh
NAYS -	Giles-Hawker-Jaffa
ABSENT-	Pomeroy

Mayor Brown declared the motion failed for lack of a majority vote of those present.

Mayor Brown urged the members voting in opposition to meet with staff and discuss their concerns. Mayor Brown added that this issue will be discussed at a future meeting pending additional study and emphasized the importance of avoiding extensive delays regarding this item.

4. Deleted.

5. Consider utilizing sobriety checkpoints on specified holidays to reduce the risks associated with impaired drivers.

Police Chief Jan Strauss and Lieutenant Luigi Digirolamo addressed the Council relative to this agenda item.

Chief Strauss advised that the primary purpose of the sobriety checkpoint is to increase both the real and perceived risk of detection and apprehension of the impaired driver. Chief Strauss added that the support and cooperation of the public is essential to accomplish this goal and said that the Mesa Police Department will expend every effort to ensure minimal intrusion and inconvenience to the public.

Police Lieutenant Luigi Digirolamo discussed the importance of deterring impaired drivers and noted that the checkpoints are in use in other cities.

Discussion ensued relative to checkpoint site selection, dates and times, the development of specific guidelines, checkpoint procedures, and physical configurations, the fact that five (5) warning signs will be in place for each direction that the checkpoint is in operation, actual contact with vehicle operators, and the fact that drivers who refuse to cooperate will not be detained solely for that reason.

Mayor Brown stated that he would support proceeding with staff's recommendations on a trial basis. Vice Mayor Giles recommended that extensive publicity be initiated to advise people of the sobriety checkpoints and said that the publicity may discourage drunk driving.

Councilmember Kavanaugh stated that he concurred with Vice Mayor Giles' comments and said that traffic delays should be monitored.

Councilmember Jaffa said that he agreed with all of the previous comments particularly the importance of avoiding traffic delays.

Councilmember Davidson expressed the opinion that delays will occur and expressed concerns regarding the occurrence of potential "road rage." Councilmember Davidson indicated that he will not support the project.

Councilmember Hawker commented that he would not support staff's recommendation and stated the opinion that DUI checkpoints are an improper use of manpower.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that staff's recommendations be approved.

Upon a tabulation of votes, it showed:

AYES -	Brown-Giles-Jaffa-Kavanaugh
NAYS -	Davidson-Hawker
ABSENT-	Pomeroy

Mayor Brown declared the motion carried by majority vote of those present.

6. Acknowledge receipt of minutes of various boards and committees.

- a. Adjustment Board meeting held June 1, 1999.
- b. Design Review Board meeting held June 2, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that receipt of the above listed minutes be acknowledged.

Mayor Brown declared the motion carried unanimously by those present.

7. Hear reports on meetings and/or conferences attended.

Councilmember Davidson reported that the recently attended Parks and Recreation programs at Lowell, Stapley, and Franklin Schools and said that staff has established a model program for providing summer services to handicapped children.

Councilmember Hawker reported on a public meeting he attended on Colorado River surplus water.

8. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Monday, June 21, 1999, 5:45 p.m. - Regular Council Meeting

Wednesday, June 23, 1999, 7:30 a.m. - Study Session

Thursday, June 24, 1999, 7:00 a.m. - MegaCorp's Annual Meeting (followed by a tour)

Monday, June 28, 1999, 5:45 p.m. - Special Council Meeting

Thursday, July 1, 1999, 7:30 a.m. - Study Session

Tuesday, July 6, 1999, 5:45 p.m. - Regular Council Meeting

9. Prescheduled public opinion appearances (there will be a maximum of three speakers for three minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Mayor Brown advised that there were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 9:30 a.m.

Carried unanimously.

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WAYNE BROWN, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 17th day of June, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

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BARBARA JONES, CITY CLERK